

REMARKS

Claims 1-17 are pending.

Claims 18-19 have been added

In the Office Action dated February 26, 2010, claims 1, 9-10, 12 and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,680,952 (Berg) in view of U.S. Patent No. 6,625,119 (Schuster); claims 2-6 and 16-17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Berg, Schuster and further in view of U.S. Patent No. 6,667,968 (Tran); claim 7 was rejected under 35 U.S.C. § 103(a) as unpatentable over Berg, Schuster, and further in view of U.S. Patent No. 5,231,631 (Buhrke); claims 8 and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Berg, Schuster, Buhrke, and U.S. Patent No. 6,931,111 (Coffee); claim 13 was rejected under 35 U.S.C. § 103(a) as unpatentable over Berg in view of U.S. Patent No. 6,950,441 (Kamarczyk); claim 14 was rejected under 35 U.S.C. § 103(a) as unpatentable over Berg in view of U.S. Patent No. 6,667,968 (Tran); claims 9-12 were rejected under 35 U.S.C. § 112, ¶ 2; and claims 1-8 and 11 were rejected under § 101.

REJECTION UNDER 35 U.S.C. § 103 OVER BERG AND SCHUSTER

It is respectfully submitted that the obviousness rejection of claim 1 over Berg and Schuster is erroneous.

To make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed, including determining the scope and content of the prior art, and ascertaining the differences between the prior art and the claims at issue. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965). Moreover, as held by the U.S. Supreme Court, it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine reference teachings in the manner that the claimed invention does. *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

In the rejection of claim 1, the Office Action identified the media gateway controllers 120 shown in Fig. 1 of Berg as constituting the first and second media gateway controllers of claim 1. As explained by Berg, the media gateway controller 120 “implements a ‘virtual switch’ and is responsible for processing and routing the signaling messages that are exchanged to set up and tear down a voice connection.” Berg, 6:23-26. The signaling aspects of establishing and handling voice calls are provided by the one or more media gateway controllers 120. *Id.*, 4:64-

5:1. On the other hand, aspects relating to voice traffic of a voice call are handled by the gateways 110 and 150 shown in Fig. 1 of Berg. *Id.*, 5:1-4.

In the rejection of claim 1, the Office Action appears to equate a “gateway” as disclosed by Berg with the gateway address translator of claim 1. The Office Action specifically states that Berg shows a “gateway [that] provides a relay function or messaging between each of said first and second media gateway controllers and the corresponding first and second gateways and virtual bear[er] function for messaging between said first and second media gateway controllers.” 02/26/2010 Office Action at 2. There is no teaching whatsoever in Berg that the gateway 110 or gateway 150 shown in Fig. 1 of Berg provides a virtual bearer function for messaging **between** first and second media gateway controllers, which according to claim 1 are configured to control respective first and second gateways. As explained by Berg, signaling data from an incoming voice call from an originating node 100 (see Fig. 1 of Berg) is extracted and transmitted over a backhaul signaling link 140 to the media gateway controller 120. Berg, 5:63-6:2. The terminating gateway 150 of Berg is configured to receive traffic from the originating gateway 110 over network 130, and signaling messages from the media gateway 120. *Id.*, 6:10-17. Nowhere is there any hint that either gateway 110 or 150 provides a virtual bearer function for messaging **between first and second media gateway controllers that are configured to control respective first and second media gateways.**

In fact, it was assumed in Fig. 1 of Berg that there are multiple media gateway controllers 120, each of such media gateway controllers 120 would be connected to the respective 110 or 150. Importantly, note that the gateway 110 or 150 is being controlled by the respective media gateway controllers 120. None of the gateways 110 and 150 would be interposed between the multiple media gateway controllers 120, and therefore, none of the gateways 110 and 150 can satisfy the requirement in claim 1 that the gateway address translator is configured to provide a virtual bearer function for messaging **between the first and second media gateway controllers.**

The Response to Amendment section of the Office Action appeared to apply an inconsistent reading of Berg. The Response to Amendment section states that the gateway 120 provides a message between 110 and 120. 02/26/2010 Office Action at 12. Element 120 is not a gateway, but rather a media gateway controller. Moreover, the gateway controller providing messaging between the gateway 110 and the gateway controller 120 does not provide any hint of a gateway address translator providing a virtual bearer function for messaging **between** first and

second media gateway **controllers**. The foregoing allegation by the Office Action merely indicates that there is a virtual bearer function between a gateway and a media gateway controller—this allegation does not satisfy the requirement in claim 1 that the gateway address translator has a virtual bearer function for messaging between first and second media gateway **controllers**.

Moreover, there is nothing in Berg to hint at providing two different operating protocols in two corresponding media gateway controllers. As conceded by the 12/30/2008 Office Action (earlier Office Action), the media gateway controllers 120 of Berg are provided with the **same** operating protocol. 12/30/2008 Office Action at 2. The present Office Action pointed to column 6, lines 53-67, of Berg as purportedly disclosing two different protocols. 02/26/2010 Office Action at 2. Applicant respectfully disagrees. This column 6 passage of Berg refers to the media gateway controller 120 being implemented by a protocol converter configured to act as a virtual switch. Berg, 6:52-54. This explanation is consistent with the earlier explanation in column 6 of Berg that the media gateway controller 120 implements a “virtual switch” and is responsible for processing and routing signaling messages that are exchanged to set up and tear down a voice connection. *Id.*, 6:23-26. Significantly, note that the media gateway controller 120 of Berg converts protocols of the originating node 100 and the terminating node 160 (see Fig. 1 of Berg).

A key point of claim 1 is that it is the media gateway **controllers** that are implemented with first and second different operating protocols. In Berg, there is absolutely no hint whatsoever that the multiple media gateway controllers 120 would be implemented with different operating protocols. The media gateway controllers 120 are used for converting protocols of the originating node 100 and the terminating node 160. However, there is absolutely no hint that the media gateway controllers themselves would be implemented with different operating protocols.

In view of the foregoing, it is respectfully submitted that there is no hint given in Berg that the first and second media gateway controllers are provided with corresponding first and second different operating protocols, as recited in claim 1.

Moreover, the Office Action conceded that Berg fails to disclose a gateway address translator incorporating proxies. 02/26/2010 Office Action at 3. Instead, the Office Action cited Schuster as purportedly disclosing this claimed feature. The Office Action cited specifically to column 1, line 63 to column 2, line 52, of Schuster. The cited passage of Schuster refers to a

gateway that serves as an interface between a packet switched network and a communications link. Schuster, 1:63-64. The cited passage of Schuster also notes that the gateway can perform translation between protocols. *Id.*, 1:65-66. However, there is absolutely no hint that the gateway of Schuster constitutes the gateway address translator that is provided between first and second media gateway controllers, as recited in claim 1, where the gateway address translator provides a virtual bearer function for messaging between the first and second media gateway controllers. Moreover, the Office Action does not explain how the cited passage of Schuster provides any hint of a gateway address translator incorporating **proxies** for first and second gateways, respectively. There is absolutely no hint in the cited passage of Schuster of proxies for first and second respective gateways provided in a gateway address translator.

In view of the foregoing, it is clear that even if Berg and Schuster could be hypothetically combined, the hypothetical combination of the references would not have led to the claimed subject matter. Moreover, in view of the significant differences between the claimed subject matter and the teachings of Berg and Schuster, a person of ordinary skill in the art would not have been prompted to combine the teachings of the references to achieve the claimed invention.

The obviousness rejection of claim 1 is therefore erroneous. Independent claims 9, 12, and 15 are allowable for reasons similar to those of claim 1.

REJECTION UNDER 35 U.S.C. § 103 OVER BERG AND KAMARCZYK

Independent claim 13 was rejected as purportedly obvious over Berg and Kamarczyk. It is respectfully submitted that the obviousness rejection of claim 13 is erroneous. Claim 13 recites a method of interfacing media gateway controllers and media gateways having different operating protocols in a communications network arrangement providing voice over IP or voice over ATM services, the method comprising:

- creating software proxies of said media gateways; and
- said software proxies communicating with respective ones of said media gateway controllers utilizing respective ones of different operating protocols, wherein the media gateway controllers are provisioned with corresponding addresses of the software proxies rather than corresponding addresses of said media gateways.

As conceded by the Office Action, Berg does not disclose “creating software proxies of said media gateways,” and “provisioning software address of the proxies rather than the

corresponding media gateways.” 02/26/2010 Office Action at 9. Instead, the Office Action cited Kamarczyk as purportedly disclosing the creation of software proxies of media gateways. Specifically, the Office Action cited column 4, lines 5-48, of Kamarczyk, which refers to a softswitch 52 function (shown in Fig. 3 of Kamarczyk) that functions as an Internet central office and provides traditional central office functions and capabilities to the Internet user community. Kamarczyk, 4:6-10. The softswitch 52 allows IP-enabled users to have access to telephonic services without regard to the underlying transport technology. *Id.*, 4:11-13. The cited column 4 passage of Kamarczyk notes that users are coupled to the Internet central office via a residential service gateway 56, where the residential service gateway 56 provides a proxy server, TCP/IP hub, firewall, residential gateway, and residential service client software functionality.

However, the proxy server that is part of the residential service gateway 56 of Kamarczyk does not constitute software proxies of media gateways that communicate with respective media gateway controllers using respective ones of different operating protocols.

Moreover, Kamarczyk also fails to provide any teaching or hint of the following subject matter of claim 13: the media gateway controllers are provisioned with corresponding addresses of the proxies rather than corresponding addresses of the media gateways. The concept of provisioning media gateway controllers with addresses of proxies rather than addresses of media gateways clearly does not exist in either Berg or Kamarczyk.

In the rejection of claim 13, the Examiner argued that the MGC of Berg utilizes a local address. 02/26/2010 Office Action at 9. It is unclear what the Examiner meant by “local address.” Since there is an IP network between the media gateway controller 120 and each gateway 110 or 150 of Berg, it is clear that for the media gateway controller 120 to communicate with the respective gateway, the media gateway controller 120 would have to use a destination IP address of the corresponding gateway. Thus, this teaching of Berg would have led away from the subject matter of claim 13, which recites that the media gateway controllers are provisioned with corresponding addresses of the proxies **rather than corresponding addresses of the media gateways**.

Moreover, Kamarczyk states that a proxy server function in a residential service gateway 56 allows a user to only require one IP address for multiple devices. Kamarczyk, 4:13-17. This teaching of Kamarczyk also provides no hint of the subject matter of claim 13, where media

gateway controllers are provisioned with corresponding addresses of proxies rather than corresponding addresses of media gateways.

In view of the foregoing, it is clear that even if Berg and Kamarczyk could be hypothetically combined, the hypothetical combination of the references would not have led to the subject matter of claim 13. Moreover, in view of the fact that Berg would have led a person of ordinary skill in the art away from the claimed subject matter, it is clear that no reason existed that would have prompted a person of ordinary skill in the art to combine the teachings of Berg and Kamarczyk to achieve the claimed subject matter.

REJECTION UNDER 35 U.S.C. § 103 OVER BERG AND TRAN

Independent claim 14 was erroneously rejected as obvious over Berg in view of Tran. With respect to claim 14, the Office Action conceded that Berg does not disclose that the media gateway controllers are provisioned with corresponding addresses of the proxies rather than corresponding addresses of the gateways, where communications between the media gateways and media gateway controllers are relayed via proxies. 02/26/2010 Office Action at 10. Instead, the Office Action cited Tran as purportedly disclosing this claimed feature. Specifically, the Office Action cited column 6, lines 10-34, of Tran. The cited passage of Tran refers to a proxy device (a device acting as an agent on behalf of a plurality of end points in having a unique transport address). Tran, 6:12-14. The proxy device is registered as a gatekeeper of a packet-switched network. *Id.*, 6:16-18. An association is provided between the transport and alias addresses of the proxy device. *Id.*, 6:17-18. When end points provided with the proxy device are to be registered, each end point's alias address is sent to the gatekeeper for adding to a registry. *Id.*, 6:21-25. There is absolutely no hint in Tran of provisioning media gateway controllers with corresponding addresses of proxies rather than corresponding addresses of gateways, where communications between media gateways and media gateway controllers are relayed via proxies whereby each pair of the media gateway and media gateway controllers sends and receives communications using a corresponding one of the different operating protocols.

Therefore, even if Berg and Tran could be hypothetically combined, the hypothetical combination of Berg and Tran would not have led to the claimed subject matter.

Moreover, in view of the significant differences between the claimed subject matter and the teachings of Berg and Tran, a person of ordinary skill in the art would not have been prompted to combine the teachings of Berg and Tran to achieve the claimed subject matter.

The obviousness rejection of claim 14 is therefore clearly erroneous.

DEPENDENT CLAIMS

Dependent claims, including newly added dependent claims 18 and 19, are allowable for at least the same reasons as corresponding base claims. Moreover, in view of the allowability of base claims, the obviousness rejections of dependent claims have been overcome.

REJECTION UNDER 35 U.S.C. § 112, ¶ 2

Each of claims 9 and 12 have been amended to recite particular hardware, namely, a computer. Therefore, it is respectfully submitted that the § 112 rejection of these claims has been overcome. Withdrawal of the § 112, ¶ 2, rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 101

Each of independent claims 1, 9, 12, and 14 have been amended to tie the respective claims to a specific apparatus or machine, namely a computer. Support for the amendments of these claims can be found at least on page 9, lines 24-28, of the present application.

Also, as suggested by the Office Action, claim 15 has been amended to recite that the machine-readable storage medium is a non-transitory storage medium, which is not intended to cover a transitory storage medium, *i.e.*, data signals.

Therefore, withdrawal of the § 101 rejections is respectfully requested.

CONCLUSION

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-1315 (NRT.0212US).

Respectfully submitted,

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